

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 4:21 CR 00067 RLW NCC
)
HERSCHELL PERKINS,)
)
Defendant.)

MOTION FOR PRE-TRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Geoffrey S. Ogden, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the Government states as follows:

1. Defendant is charged with:
 - (a) an offense under Title 18, United States Code, Section 924(c) (possession of firearms in connection with drug trafficking crimes or crimes of violence), specifically knowingly possessing, brandishing and discharging one or more firearms in furtherance of a drug trafficking crime which may be prosecuted in a court of the United States, in violation of Title 18, United States Code, Sections 2 and 924(c)(1)(A), and in the course of this violation caused the death of Joel

Phillips through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111, in that the defendant, acting with others known and unknown, with malice aforethought, unlawfully killed Joel Phillips, by shooting him with one or more firearms, willfully, deliberately, maliciously, and with premeditation, thereby making this offense punishable under Title 18, United States Code, Sections 2 and 924(j).

2. Accordingly, a rebuttable presumption arises pursuant to Title 18, United States Code, Section 3142(e)(3) that there are no conditions or combination of conditions which will reasonably assure the appearance of the defendant as required, and the safety of any other person and the community. Moreover, even in the event the defendant were to satisfy his burden of production and present some evidence to rebut this presumption, the nature of the charged offense and the circumstances surrounding the defendant's pre-meditated killing of the Victim should unequivocally foreclose the prospect of pretrial release.

A. Victim robs co-defendant Cevone Weeden of narcotics on August 18, 2020.

3. The Government alleges that co-defendant, Cevone Weeden, murdered victim Joel Phillips by shooting him in the legs, torso, and neck at least 10 times in retaliation for the Victim's previous robbery of narcotics from Weeden. Furthermore, the defendant, Herschell PERKINS, knowingly and directly aided and abetted Weeden in committing this brutal retaliatory killing.

4. On August 20, 2020, shortly after 8:00 p.m., investigators with the St. Louis Metropolitan Police Department discovered the Victim's body in his vehicle, which was parked in a McDonald's parking lot on North Hampton Ave in the Dogtown neighborhood of St. Louis, MO. The Victim was slumped over in his front seat with numerous gunshot wounds, and the

outside of his vehicle was riddled with bullet holes. The Victim had in his possession approximately 156 capsules of fentanyl, a legally purchased firearm, and a cell phone.

5. Upon reviewing the contents of the Victim's cell phone, it became apparent that the Victim had arranged for a narcotics purchase, on August 18, 2020, from co-defendant Weeden, the Victim's source of supply, with the intent of robbing Weeden. The Victim communicated with Weeden via text message in order to arrange for the meeting, sending Weeden an address in the City of St. Louis. Additionally, Weeden's number is saved in the Victim's phone as "Von" with an electrical plug emoji next to his name.¹ Historical cell-site location data placed Weeden's phone at this location at the time of the robbery, between approximately 8:15-8:26 p.m. Street surveillance cameras and license plate readers depict the Victim arriving at the location and shortly thereafter frantically leaving while driving erratically and at a high rate of speed. The Victim then blocks Weeden's number in his phone and proceeds to text his (the Victim's) drug customers in an attempt to sell narcotics. The following day, the Victim admits to the drug robbery in additional text messages.

B. Weeden and Perkins bait the Victim into the open in order to kill him in retaliation.

6. On August 20, 2020, Weeden, with PERKINS' assistance, took steps to locate the Victim in order to kill him in retaliation for this robbery. At 4:54 p.m., Weeden placed a call to an individual identified as R.H. Immediately after this call, R.H. calls the Victim at 4:56 p.m.² R.H. then immediately calls Weeden at 4:57 p.m. At 4:58 p.m., Victim texts R.H. an address directly behind the McDonald's on Hampton Ave. The Victim and R.H. exchange multiple calls

¹ The term "plug" is common street parlance for a drug source of supply.

² Toll records indicate no previous contact between R.H. and the Victim prior to this phone call, at least on the telephone number used by R.H. on this date.

and text messages, all while Weeden and R.H. are calling one another in between these communications. R.H. texts the Victim and indicates he is on his way, that he needs to run by an ATM, and that he is heading down I-64. Historical cell-site location data indicates R.H. never left the Fenton, MO area throughout this entire period.

7. Historical cell-site location data for Weeden's phone indicates he leaves North St. Louis County at approximately 6:02 p.m., heading toward Hampton Ave, and arriving in the vicinity of the McDonald's at approximately 6:19 p.m., at which time he again calls R.H. R.H. then ceases contact with the Victim, refusing to answer his calls or respond to the Victim's agitated texts.³ A Chevrolet SS (hereinafter the "Suspect Vehicle") is observed exiting from I-64 onto Hampton Ave. at approximately 6:17 p.m.,⁴ and the Victim's vehicle pulls into the McDonald's lot at approximately 6:20 p.m. For the next approximately two hours, Weeden and the driver of the Suspect Vehicle (later identified as defendant Herschell PERKINS) drive in circles around the McDonald's parking lot, parking at various neighboring streets and lots, canvassing the victim's location.

8. At 6:40 p.m., the Suspect Vehicle pulls into a Circle K gas station right next to the McDonald's, and the driver exits the vehicle and pays for gas. The driver is captured on security footage and identified as PERKINS (see *infra*), wearing a white t-shirt and shorts. (*See* Government Exhibit 2).

9. At approximately 7:05 p.m., Weeden deactivates his phone. At approximately 7:09, the Suspect Vehicle pulls into a Phillips 66 just north of the McDonald's, where PERKINS

³ The Victim made repeated attempts to contact R.H., asking why he won't answer his phone. The Victim, who was homeless at the time, waits in the McDonald's parking lot.

⁴ The movements of the Suspect Vehicle and the Victim's vehicle are tracked by multiple recorded security footage from various cameras in the vicinity of the McDonald's.

is observed removing the license plates from the Suspect Vehicle with a screwdriver he obtained from the gas station clerk. PERKINS then re-enters the driver's side of the vehicle, and at approximately 8:03 p.m. turns the Suspect Vehicle onto a side-street directly across from the McDonald's. At 8:04 p.m. an individual crosses Hampton Ave. from this side-street, heading towards the McDonald's, while the Suspect Vehicle slowly pulls into view from the same side-street, where it waits.

10. At approximately 8:06 p.m., 9-1-1 calls begin flooding in to report the shooting, all describing the shooter as wearing a mask and a red hoodie/sweatshirt. At this same time, the individual previously seen crossing the street comes back into view, running across Hampton Ave. to the Suspect Vehicle's passenger side. The Suspect Vehicle then proceeds to I-64 west. Weeden's phone registers at a cellular tower in North St. Louis County at approximately 8:25 p.m., and he calls R.H. at 8:27 p.m.

C. Investigators confirm Weeden's identity.

11. Detectives obtained a state precision location information warrant in order to track the location of Weeden's phone. Investigators learned that he traveled to both a firearm store and bowling alley in St. Peters, MO in September 2020. Investigators obtained security footage from the firearm store depicting Weeden, from which he was identified as being present at the bowling alley by bowling alley personnel. The bowling alley personnel indicated this individual provided the name "Von" when renting bowling shoes, and the name "Cevone" when ordering food, along with a second phone number. This phone was turned off at approximately 4:51 p.m. on the day of the murder, and turned back on at approximately 8:46 p.m., where it registered with a cellular tower in North County in close proximity to Weeden's other cellular device. In searching the name "Cevone" in a crime matrix database, investigators discovered

Weeden, who perfectly matched the individual depicted in the security footage at the firearm store. (*See* Government Exhibit 1). Investigators were able to determine that “Cevone Weeden” is the account holder for this second phone number.

Investigators Confirm PERKINS’ Identity

12. Investigators were able to capture the Suspect Vehicle’s license plate on security and/or street camera footage near the McDonald’s parking lot. The vehicle was revealed to be registered to a woman at 11854 Jenner Lane. Investigators searched for individuals associated with this address, and discovered PERKINS in a crime matrix database. PERKINS provided this address for his driver’s license, as well as to his Missouri state Probation Officer. Investigators compared previous photographs of PERKINS to the individual captured on a surveillance still at the Circle K on August 20, 2020, which clearly depicts the same individual. (*See* Government Exhibit 2). PERKINS’ phone number was obtained from his state Probation Officer, and subsequent investigation revealed toll data showing extensive contact between Weeden and PERKINS. This contact included a call from Weeden to PERKINS shortly before arriving in the area of the McDonald’s. The two are also Facebook “friends” and have had previous contact on the social media site.

13. PERKINS was taken into custody in connection with this arrest warrant. Moreover, Weeden led officers on a high speed automobile chase when they attempted to arrest him, and PERKINS arrived on the scene when officers took Weeden into custody. PERKINS was then arrested and submitted to an interview. Upon being advised of his *Miranda* rights, PERKINS acknowledged that he was driving the suspect vehicle at the time leading up to the murder. He identified himself in surveillance photographs inside of the various gas stations

leading up to the murder and did not deny removing his license plates from his vehicle prior to the shooting. He further acknowledge his friendship with co-defendant Weeden,

Conclusion

13. Cevone Weeden and Herschell PERKINS killed Victim Joel Phillips in cold blood and with premeditation. Weeden utilized an associate to lure the Victim out into the open, where he and PERKINS proceeded to stalk him for almost two hours. After canvassing the area, turning their phones off, and removing their license plates, Weeden walked up to the Victim and fired at least 11 shots from a .40 caliber firearm, at least 7 of which struck the victim in his torso, arms, and legs, on a busy street in South St. Louis City and in broad view of the public. PERKINS waited in the Suspect Vehicle across the street, allowing Weeden to make a rapid getaway while the Victim bled out in his vehicle. The ruthlessness of this killing cannot be overstated, nor can the risk that PERKINS' pre-trial release would represent to the community.

14. Furthermore, the evidence in this case is overwhelming and the potential penalties severe, the latter of which includes life imprisonment and/or death. As a result, the Defendant also represents a flight risk in the event he were released on bond. Finally, the Defendant committed these acts while currently under the supervision of a Missouri state Probation Officer, exemplifying the futility of supervision under the circumstances.

15. For the foregoing reasons, the Government believes that no condition or combination of conditions exist to reasonably assure the safety of the community, nor defendant PERKINS' presence as required, and thus respectfully request he be detained pending trial or resolution of his case.

WHEREFORE, the Government requests this Court to order defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

/s/Geoffrey S. Ogden

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ASSISTANT UNITED STATES ATTORNEY
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St. Louis, Missouri 63102
(314) 539-2200

GOVERNMENT EXHIBIT 1

Meta-Person Composite Information

click to view detail

Name	WEEDEN, CEVONE	
DOB		
SSN		
RACE	BLACK	
SEX	MALE	
HEIGHT	5'9"	
WEIGHT	135 LB.	
EYE COLOR	BROWN	
HAIR COLOR	BLACK	
OCCUPATION	COOK	
EMPLOYER		
FBI #	790455WD0	
SID #	MO35728883	
CID #	SAIN T LOUIS COUNTY	
ALIAS	CEVON WEEDEN	

Most recent address/phone on file

Type	Address	City	ST	Zip	Phone	Date
Home	3045 HAMPSHIRE	FLORISSANT	MO	63033	(314) 369-1955	11/26/2018
Cell	9757 MEDFORD DRIVE	ST. LOUIS	MO	63136	(314) 313-6486	11/26/2013
Work	110 LONG	CHESTERFIELD	MO			01/02/2016
Emrg					(314) 369-1955	11/26/2018

Most Recent Photo

IRIS

11/26/2018

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GOVERNMENT EXHIBIT 2

click  to view detail

 Name	PERKINS, HERSCHELL
 DOB	[REDACTED]
 SSN	[REDACTED]
 RACE	BLACK
 SEX	MALE
 HEIGHT	6'3"
 WEIGHT	150 LB,
 EYE COLOR	UNKNOWN
 HAIR COLOR	UNKNOWN
 OCCUPATION	BUS DRIVER
 EMPLOYER	FIRST STUDENT
 FBI #	1524VD5
 SID #	MO47913930
 CID #	ST. LOUIS CITY
 ALIAS #	

Most Recent Photo
IRIS



04/28/2015

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Most recent address/phone on file

Type	Address	City	ST	Zip	Phone	Date
Home	11854 JENNER LN	SAINT LOUIS	MO	63138		09/03/2020
Cell	11036 HUSON VALLEY DR	SAINT LOUIS	MO	63138	(314) 489-4913	05/05/2013
Work	700 SPRING	ST LOUIS	MO		(314) 772-3184	04/27/2015
Emrg					(314) 326-9713	04/27/2015

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